IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION

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) Civil Action No.:3:16cv248-NBB-JMV
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DEFENDANT UPS GROUND FREIGHT, INC.'S DAUBERT MOTION TO EXCLUDE PLAINTIFF'S PROPOSED EXPERT DR. RALPH D. SCOTT

Defendant UPS Ground Freight, Inc. ("UPS"), by and through its counsel of record, Glassman, Wyatt, Tuttle & Cox, P.C., respectfully files this Motion to Exclude the proposed expert report, opinions and testimony of Plaintiff's proffered expert, Dr. Ralph D. Scott pursuant to Rule 702 of the Federal Rules of Civil Procedure and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993). In support of this Motion, UPS would show as follows:

- 1. Plaintiff proposes to offer Dr. Ralph D. Scott as her expert economist in this matter.
- 2. If permitted, Dr. Scott intends to offer certain opinions on the "net cash value of the life of Andriana Hall ("Hall") in connection with the instant litigation.
 - 3. UPS specifically challenges the "methodology" and admitted assumptions Dr.

Scott purportedly utilizes in this case.

- 4. UPS further challenges the reliability of Dr. Scott's proposed opinions in this matter and what use, if any, such opinions will offer the jury where Dr. Scott admittedly used unsupported assumptions and chose to ignore, without explanation, specific facts pertinent to Hall's education, past wages, past financial history, and potential earnings known to the parties in this litigation in formulating those opinions.
- 5. UPS submits that in light of the speculative and conclusory nature of Dr. Scott's opinions, the inferential leaps made to arrive at his assumptions and subsequent opinions, Dr. Scott's proposed opinions/testimony will not assist the trier of fact.
 - 6. In further support of this Motion, UPS attaches the following:

Exhibit "1" – Report of Dr. Ralph D. Scott

Exhibit "2" – Deposition of Dr. Ralph D. Scott (excerpts)

Exhibit "3" - Hall college transcripts

WHEREFORE, PREMISES CONSIDERED, for the reasons set forth herein and in the Memorandum in support of this Motion, UPS requests that the Court enter an Order excluding the proposed expert testimony of Dr. Scott, and further requests all additional and further relief the Court deems appropriate.

Respectfully submitted, this the 2nd day of February, 2018.

GLASSMAN, WYATT, TUTTLE & COX, P.C.

/s/ Robert A. Cox

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CERTIFICATE OF SERVICE

I hereby certify that a Notice of Service concerning the foregoing pleading was filed via the Court's CM/ECF system, which will electronically transmit a copy of said pleading to all counsel of record. In addition, a copy of this pleading has been forwarded to counsel below via electronic mail:

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This the 2nd day of February, 2018.

/s/ Robert A. Cox ROBERT A. COX, ESQUIRE